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PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,818	12/31/2001	Joyce Brett	P-3206-15	7824
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MYRON AMER, P.C.			CHOP, ANDREA MARIE	
114 Old Country Road Suite 310			ART UNIT	PAPER NUMBER
Mineola, NY	11501		3677	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application N Application N "Office Action Summary 10028.818 BRETT, JOYCE - The MALING DATE of this communication appears on the cover sheet with the correspondence address – Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. - Statistic of regly specified above is less than thry (90) styn, a projv with the statisty prior with application to been application of this communication of this common and the optication of this communication. - Inflo pender or gly specified above, the maximum apply with the statisty prior with application to been application to been application to been application of this communication. - With pender or gly is specified above, the maximum apply with the statisty prior with application to been application to been application or gly is specified above. The maximum application to been application to been application. - With pender or gly is specified above. The maximum application is mon-final. - Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordination. - Since this application is in condition for allowance except for formal matters. - Discret in application is in condition for allowance except for formal matters. - Discret in application is in condition for allowance except for formal matters. - Discret in application is objected to the straminer. - Discret i	►	_	$\leq \mathcal{W}$				
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a) The translation of the foreign language provisional application has been assumed.	14) Acknowledgment is made of a claim for dome	estic priority under 35 U.S.C. § 119(e) (to a provisional application).				
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Attachment(s)	Attachment(s)						
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other:	2) DNotice of Draftsperson's Patent Drawing Review (PTO-948)	5) D Notice of Informal					

Application/Control Number: 10/029,818

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 1 is rejected under 35 U.S.C. § 112, first paragraph, as the specification fails to adequately teach how to make and/or use the invention, i.e. fails to provide an enabling disclosure.

It is not clear how the overlapping release strips serve as a closure for the venting openings keeping the flow of the viscous adhesive in the venting openings, since the release strips are located below the gauze pad; it appears that the gauze pad actually serves as the closure for the venting openings, keeping the flow of the viscous adhesive in the venting openings.

2. Claim 1 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As concerns Claim 1, line 19, "permanently attachment" is grammatically incorrect.

Application/Control Number: 10/029,818

Art Unit: 3677

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vesey US
6,455,752 in view of Arginsky US D 340,988.

Vesey shows an adhesive bandage with a central gauze pad and adhesive strips with overlapping release strips (Fig. 2), and a jewelry display 14, but lacks venting openings. Arginsky teaches the use of venting openings in an adhesive bandage. It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the adhesive bandage to have venting openings in view of Arginsky in order to provide a means of allowing the passage of air to the wound to help heal the wound. The claimed method is an obvious method of using/forming Vesey's device, and in regards to the placement of such bandage on a person at a location on which a cosmetic is typically applied, the examiner takes Official Notice that it is well known for adhesive bandages to be applied to the face; such is commonly done by a person after an injury resulting from shaving, or when such person has cut or otherwise injured the skin on the face. Application/Control Number: 10/029,818 ... Art Unit: 3677

Response to Remarks

5. In response to Applicant's argument that Vesey is concerned with the treatment of wounds, and Applicant is concerned with the enhancement of a wearer's appearance, it is pointed out that the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987). And as discussed above, Vesey teaches Applicant's claimed structural limitations; moreover, even so, wearing such a device as Vesey's on a person's face, etc. is well known in the art.

Patent Customers Advised to FAX Communications to the USPTO

6. In view of delays in mail delivery in recent days, we at the USPTO would like to encourage you to communicate with the USPTO via facsimile. Facsimile transmissions may be used for correspondence as set forth in 37 CFR 1.6 such as: amendments, petitions for extension of time, authorization to charge a deposit account, an IDS, terminal disclaimers, a notice of appeal, an appeal brief, CPAs under 37 CFR 1.53(d), and RCEs.

PTO Form 2038 should be used when authorizing payment by credit card; this form is maintained separate from the file to ensure confidentiality.

Application/Control Number: 10/029,818 Art Unit: 3677

The USPTO has recently installed server software that enables us to automatically receive facsimile transmissions and route them to the appropriate groups. No special equipment is needed by our customers to use this system other than a regular facsimile machine. Each Technology Center has its own facsimile numbers associated with our server for Official replies to non-final Office actions and for Official replies to final Office actions. In addition, each Technology Center has a Customer Service Center on our server system and can answer any general application status questions you might have, can provide Examiner information and answer paper queries. The following is a list of all Official Facsimile numbers for Technology Center 3600:

TC 3600:
Before Final 703-872-9326
After Final 703-872-9327
Customer Service 703-872-9325

By using the Official Before Final and After Final numbers, our server system will automatically generate a return receipt that will include the number of pages received as well as the date and time the facsimile was received. Additionally, the return receipt will include an image of the received cover page. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (see 37 CFR 1.6 and 1.8). Applicants are also advices to retain the return receipt in the event that the Office

Application/Control Number: 10/029,818

Art Unit: 3677

has no record of the facsimile submission, whether the facsimile submission is a reply to an Office action (37 CFR 1.8(b)), or a continued prosecution application under 37 CFR 1.53(d)) (37 CFR 1.6(f)).

Note, however, the Office currently does not permit new application filings (other than a CPA under 37 CFR 1.53(d)), requests for reexamination, drawings, and certain correspondence set forth in 37 CFR 1.6(d) by facsimile.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea Chop whose telephone number is (703) 305-6358.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

-11mit 367

AMC October 3, 2003

1